

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office

April 3, 1997

LB 280

religions that do. And so at this point in time I do have a problem including the word "custom" into...in this amendment. Thank you.

SPEAKER WITHEM: Mr. Clerk.

CLERK: Mr. President, Senator Witek would move to amend Senator Chambers' amendment. (See FA139 on page 1335 of the Legislative Journal.)

SPEAKER WITHEM: Senator Witek.

SENATOR WITEK: Thank you, Mr. Speaker, members of the body. I would just propose that we amend Senator Chambers' amendment. Senator Chambers' amendment wants to insert, on line 13, after "laws", he wants to insert "or customs". So it would read, "or customs of the country, state, or territory in which the same were contracted", et cetera. What my amendment would add to that is "or customs".... Mr. Clerk, can you read that exactly how I wrote that so I.... Oh, I'm sorry, I just wrote it. It's something to the effect of Indian, as Indian tribes, Native American Indian tribes as recognized in the state of Nebraska, referring to the court case that Senator Brashear referred to, in 1907, that said of...I've got it, "of an Indian tribe recognized by the state of Nebraska", because Senator Chambers gave as his reason for wanting "or customs" in this piece of legislation the fact that we have to recognize Indian tribes custom of their relationship, marriage as recognized by the state of Nebraska. But I think it goes much beyond that if we just put in the words "or custom" in order to encompass that language that's already been encompassed by the laws in the state of Nebraska, and I'll get this out to the floor, that we have no idea what customs people have in the country, in most of the states we do, or territories, what we're actually...what we're actually adopting here, because no one has had time to do any type of research as to what customs we would be adopting with this language. And I've asked Senator Chambers if he had, and he does not. So just to try to get this to a workable, if you want to adopt the Chambers' amendment, to a workable level, we could narrow it down to "of an Indian tribe recognized by the state of Nebraska", which is the same language which...that was in the court case by Senator Brashear's testimony here today, or